IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 916 of 2005

Between:

1. Ushodaya Municipal Public Health Ex Employees

Families Welfare Association,(Regd.No.145/98) rep.

By its Manager P.Srinivasarao, S/o.Malatheswararao,

Aged 35 years, r/o Narasaraopeta, Guntur District

2. Navodaya Parisudhya Sangam,(Regd.No.4/2004),

rep. By its Manager M.Guru Krishna Vara Prasad,

S/o.M.Venkaiah, aged 25 years, R/o.Narasaropet,

Guntur

3. Ongole Harijana Private Parisudhya Panivarala Sangam,

Ongole, rep. By its President, Anantharapu Veeraiah,

S/o.Kotaiah, aged 45 yeas, R/o.Kothapatnam Road,

Ongole, Prakasam District

4. Abhudaya Harijana Parisudhya Panivaral Sangam,

Guntur (Regd.No.39/2004) rep.by its President,

Kornepati Achaiah, S/o.Pedda Yesu, aged 25 years,

R/o.Stambala Garuld, Guntur

5. The Harijana Labour Contract Co.Op.Society, Kakani,

(Reg.No.Z-723) rep.by its Manager, M.Venkaiah,

S/o.Kotaiah, aged 56 years, R/o.Kakani, Narasaraopet,

Guntur District

6. Karimnagar Harijana Girijana Private Sanitation Workers

Welfare Association, (Reg.No.132/2004) rep. By its President,

Jekkula Laxmaiah, S/o.Laxmaiah, aged 36 years,

R/o.Ramnagar, Karimnagar

..... PETITIONERS

AND

1. The Commissioner of Labour,

Anjaiah Bhavan, near RTC Cross Road,

Chikkadpally, Hyderabad

2. The Commissioner,

Municipal Corporation of Hyderabad,

Tankbund, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in not paying the wages to the petitioners for the extra working days i.e. for more than 26 days in every month for the sanitation works done by them pursuant to the Work Orders issued by the 2nd respondent in No.1557/H1/Health & sanitation/M.C.H/2004, dt.14.05.2004 as illegal, arbitrary and unconstitutional and consequently direct the respondents to pay the wages for the extra working days i.e. for more than 26 days in every month for the sanitation works done by them pursuant to the said work orders.

Counsel for the Petitioner: MR.P.GOVINDA REDDY

Counsel for the Respondent No.1: G.P.FOR LABOUR

Counsel for the Respondent No.2: MR.G.RAMARAO

The Court at the admission stage made the following:

ORDER:

In not paying the wages to the petitioners for the extra working days i.e. for more than 26 days in every month for the sanitation works done by them pursuant to the Work Orders issued by the 2nd respondent in No.1557/H1/Health & Sanitation/M.C.H/2004, dated 14.05.2004, the present writ petition is filed.

Heard the learned Counsel for the petitioners, the learned Government Pleader for Labour and the learned standing Counsel for the 2nd respondent.

It is admitted by the 1st respondent that the representation of the petitioners dated 19.11.2004 against the 2nd respondent is still pending. Appropriate decision has to be taken by the 1st respondent thereon in accordance with law.

Therefore, without entering into the merits of the case, the 1st respondent is directed to consider the representation of the petitioners dated 19.11.2004 and take appropriate decision, after giving a reasonable opportunity to all the parties and pass necessary orders thereon, within a period of two months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. No order as to costs.

Dated: 06.04.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner of Labour, Anjaiah Bhavan,

near RTC Cross Road, Chikkadpally, Hyderabad

2. The Commissioner,

Municipal Corporation of Hyderabad

Tankbund, Hyderabad

3. Two CCs to the Government Pleader for Labour,

High Court Buildings, Hyderabad(OUT)

4. Two CD copies